

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

D.E., a minor child, by his mother and	)	
next friend, Dawn Eades,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:20-cv-977
	)	
DR. JON LIPPE, in his individual and	)	
official capacity as the Principal of	)	
Manchester Jr-Sr High School;	)	
DOREY MOBLEY, in her individual	)	
and official capacity as Assistant	)	
Principal of Manchester Jr-Sr High	)	
School,	)	
	)	
Defendants.	)	

**Complaint for Injunctive and Declaratory Relief and Damages**

**Introduction**

1. D.E. is a Junior at Manchester Jr-Sr High School. He is one of the few students at the school who identifies as Black. At the beginning of the school year he wore a t-shirt that said on its front, "I HOPE I DON'T GET KILLED FOR BEING BLACK TODAY." Even though the t-shirt did not cause disruption and other students regularly wear "Blue Lives Matter" and "MAGA" apparel supporting police and President Trump, respectively, and some students wear apparel adorned with Confederate flags, defendants prohibited D.E. from wearing his shirt. This violated the First Amendment

and caused him injury. He wishes to wear the t-shirt to school. Injunctive and declaratory relief should issue, and he should be awarded his damages.

**Jurisdiction, venue, and cause of action**

2. This Court has jurisdiction of the case pursuant to 28 U.S.C. 1331.
3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.
4. Declaratory relief is authorized by 28 U.S.C. §§ 2201, 2202 and Federal Rule of Civil Procedure 57.
5. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States.

**Parties**

6. D.E. is a minor child who resides in Wabash County, Indiana. He is represented in this case by his mother and next friend, Dawn Eades.
7. Dr. Jon Lippe is the Principal of Manchester Jr-Sr High School. He is sued in his individual and official capacity.
8. Dorey Mobley is the Assistant Principal of Manchester Jr-Sr High School. She is sued in her individual and official capacity.

**Facts**

9. D.E. is a junior who attends Manchester Jr-Sr High School.
10. D.E. identifies as Black and is one of the few Black students in the school.

11. As a young Black man, he is acutely aware of the many incidents where young Black men have been fatally shot by law enforcement authorities.

12. To protest what he perceives as the systemic racism that is behind the shooting and to personalize the issue to his classmates and school, he wore a t-shirt to the school in August of 2020 that states: "I HOPE I DON'T GET KILLED FOR BEING BLACK TODAY."

13. The t-shirt did not violate any of the rules in the school's Student Handbook.

14. Students in the school regularly wear, and are allowed by the school to wear, t-shirts and other apparel with the words "Blue Lives Matter" in support of police officers. Some of this clothing is adorned with representations of weapons.

15. Students also have worn, and had been allowed by the school to wear, "MAGA" apparel, supporting President Trump, including t-shirts.

16. Students also have worn, and been allowed to wear, t-shirts and hats with the Confederate emblems on them.

17. D.E. was in his first period class, at the very beginning of school, on the day that he wore the t-shirt when his teacher received a call and indicated that he had to go to the office of the school's administration.

18. His t-shirt had not caused any disruption among his fellow students.

19. When D.E. came to the office of the school administration he was directed to the office of Assistant Principal Mobley who told him that "someone" had complained about

his shirt. She did not say who and he has never been informed about who complained and the nature of the complaint.

20. Ms. Mobley summoned Dr. Lippe who looked at the t-shirt and indicated “that is not going to fly.”

21. Ms. Mobley and Dr. Lippe indicated that D.E. had to remove the shirt and Ms. Mobley informed him that he could not wear the shirt in school.

22. Ms. Mobley gave him another t-shirt to change into and sent him to the restroom to change.

23. D.E. felt very strongly that he had the right to wear the shirt and to impart the information on the t-shirt to students and staff at the school.

24. He therefore refused to change the t-shirt and instead called his mother.

25. He returned to Ms. Mobley’s office and told her that he would not change the shirt.

26. Ms. Mobley said his mother would have to come to get him and he waited outside Ms. Mobley’s office until his mother arrived.

27. He left the school for the remainder of the school day.

28. This incident was extremely upsetting to D.E.

29. D.E. continues to want to wear the t-shirt to school.

30. He has been subjected to racial epithets in the school in the past from fellow students and he believes that the message of the t-shirt is an important one to transmit to students and staff and that the t-shirt makes an extremely important statement.

31. The t-shirt was not disruptive to the educational environment.
32. Denying D.E. the ability to wear the t-shirt is causing him irreparable harm for which there is no adequate remedy at law.
33. Defendants actions have damaged D.E.
34. At all times defendants have acted under color of state law.

**Claim for relief**

35. The refusal of defendants to allow D.E. to wear the t-shirt violates the First Amendment.

**Request for relief**

WHEREFORE, plaintiff requests that this Court

1. accept jurisdiction of this case and set it for hearing at the earliest opportunity.
2. declare that defendants have violated, and continue to violate, plaintiff's First Amendment rights for the reasons noted above.
3. enter a preliminary injunction, later to be made permanent, enjoining defendants from preventing plaintiff from wearing the t-shirt.
4. award plaintiff his damages.
5. award plaintiff his costs and reasonable attorney's fees pursuant to 42 U.S.C. § 1988.
6. award all other proper relief.

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